

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE SENATE

SENATE BILL NO. 1069, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO RENEWAL OF JUDGMENTS; AMENDING SECTION 11-105, IDAHO CODE, TO INCREASE THE PERIOD OF TIME THAT A CERTAIN JUDGMENT MAY BE ENFORCED; AMENDING SECTION 5-215, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS WHEN ACTION ON A JUDGMENT OR FOR MESNE PROFITS OF REAL PROPERTY MUST BE COMMENCED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 10-1110, IDAHO CODE, TO INCREASE THE TIME A CERTAIN LIEN RESULTING FROM RECORDING OF A JUDGMENT CONTINUES OR LIEN ARISING FROM THE DELINQUENCY OF A PAYMENT DUE UNDER A JUDGMENT CONTINUES; AMENDING SECTION 45-510, IDAHO CODE, TO INCREASE THE TIME PRIOR TO WHEN A LIEN OF FINAL JUDGMENT SHALL CEASE AND TO REMOVE ARCHAIC LANGUAGE CONCERNING WHEN A LIEN OF A FINAL JUDGMENT SHALL EXPIRE; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 11-105, Idaho Code, be, and the same is hereby amended to read as follows:

11-105. EXECUTION AFTER ~~FIVE~~ TEN YEARS. In all cases other than for the recovery of money the judgment may be enforced or carried into execution after the lapse of ~~five ten~~ (510) years from the date of its entry, by leave of the court, upon motion, or by judgment for that purpose, founded upon supplemental pleadings.

SECTION 2. That Section 5-215, Idaho Code, be, and the same is hereby amended to read as follows:

5-215. ACTION ON JUDGMENT OR FOR MESNE PROFITS OF REAL PROPERTY. Within ~~six~~ eleven (~~6~~11) years:

(1.) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States.

(2.) An action for mesne profits of real property.

SECTION 3. That Section 10-1110, Idaho Code, be, and the same is hereby amended to read as follows:

10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A transcript or abstract of any judgment or decree of any court of this state or any court of the United States the enforcement of which has not been stayed as provided by law, if rendered within this state, certified by the clerk having custody thereof, may be recorded with the recorder of any county of this state, who shall immediately record and docket the same as by law provided, and from the time of such recording, and not before, the judgment so recorded becomes a lien upon all real property of the judgment debtor in the county, not exempt from execution, owned by him at the time or acquired af-

1 terwards at any time prior to the expiration of the lien; provided that where
 2 a transcript or abstract is recorded of any judgment or decree of divorce
 3 or separate maintenance making provision for installment or periodic pay-
 4 ment of sums for maintenance of children or alimony or allowance for wife's
 5 support, such judgment or decree shall be a lien only in an amount for pay-
 6 ments so provided, delinquent or not made when due. The lien resulting from
 7 recording of a judgment other than for support of a child continues five ten
 8 (510) years from the date of the judgment, unless the judgment be previously
 9 satisfied, or unless the enforcement of the judgment be stayed upon an appeal
 10 as provided by law. A lien arising from the delinquency of a payment due
 11 under a judgment for support of a child issued by an Idaho court continues
 12 until five ten (510) years after the death or emancipation of the last child
 13 for whom support is owed under the judgment unless the underlying judgment
 14 is renewed, is previously satisfied or the enforcement of the judgment is
 15 stayed upon an appeal as provided by law. The transcript or abstract above
 16 mentioned shall contain the title of the court and cause and number of ac-
 17 tion, names of judgment creditors and debtors, time of entry and amount of
 18 judgment.

19 SECTION 4. That Section 45-510, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 45-510. DURATION OF LIEN. No lien provided for in this chapter binds
 22 any building, mining claim, improvement or structure for a longer period
 23 than six (6) months after the claim has been filed, unless proceedings be
 24 commenced in a proper court within that time to enforce such lien; or unless
 25 a payment on account is made, or extension of credit given with expiration
 26 date thereof, and such payment or credit and expiration date, is endorsed on
 27 the record of the lien, then six (6) months after the date of such payment or
 28 expiration of extension. The lien of a final judgment obtained on any lien
 29 provided for in this chapter shall cease five ten (510) years from the date
 30 the judgment becomes final, ~~but if such period of five (5) years has expired~~
 31 ~~or will expire before September 1, 1947, the owner of such judgment lien~~
 32 ~~shall have until September 1, 1947, within which to levy execution under such~~
 33 ~~judgment.~~

34 SECTION 5. This act shall be in full force and effect on and after July
 35 1, 2015. This act shall apply to judgments issued or renewed on or after July
 36 1, 2015.